

PATENT

Atty. Dkt. No. APPM/008298/PPC/ECP/CKIM

**REMARKS**

This is intended as a full and complete response to the Final Office Action dated March 3, 2006, having a shortened statutory period for response set to expire on June 3, 2006. Claims 1-21 and 26-29 remain pending in the application and are shown above. Claims 1-21 and 26-29 stand rejected by the Examiner. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-21 and 26-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Yang et al.* (US Patent Publication No. 2004/0016637).

The Examiner states that Applicant's arguments filed 02/03/06 have been fully considered but they are not persuasive even though Applicant had argued that "The instant application claims priority to United States provisional patent application serial number 60/463,860, and is entitled to the filing date of April 18, 2003, which is prior to the relevant reference date of *Yang et al.*". The Examiner states that the effective filing date of *Yang et al.* is to the provisional application 60/398345, filed on July 24, 2002.

Applicant respectfully traverses the rejection on ground that the subject matter of the instant application is disclosed and claimed prior to the relevant reference date of the subject matter relied on in *Yang et al.* The instant application claims priority to United States provisional patent application serial number 60/463,860, and is entitled to the filing date of April 18, 2003.

*Yang et al.* (application serial number 10/616,284) is filed on July 8, 2003 as a continuation-in-part application of an earlier application (US Patent Publication No. 2004/0016636, serial number 10/268,284), filed on October 9, 2002, which claims priority to a provisional application (serial number 60/398,345), filed on July 24, 2002. However, the disclosed subject matter of an annealing system in *Yang et al.* that the Examiner relied upon is not disclosed in the two parent applications (serial numbers 10/268,284 and 60/398,345) of *Yang et al.* Therefore, the Examiner erroneously relied on subject matter in the 35 U.S.C. § 102 (e) rejection that is only disclosed in *Yang et al.* as of its filing date of July 8, 2003. The relevant reference date of the relied and disclosed subject matter of *Yang et al.* based upon 35 U.S.C. § 102(e) rejection is the filing date, July 8, 2003, which is after the relevant invention date of the instant invention

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of April 18, 2003. Accordingly, withdrawal of the rejection and allowance of claims 1-21 and 26-29 are respectively requested.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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